

IN Re: RESCAP, 12-bk-12020

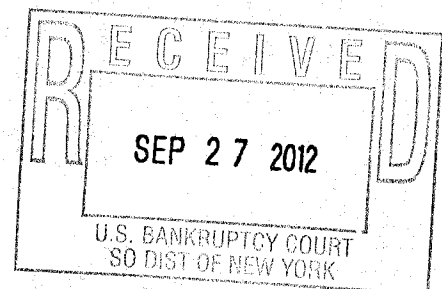
P R A E C I P E

TO: Clerk of the U.S. Bankruptcy
Court For The S.D. of N.Y.

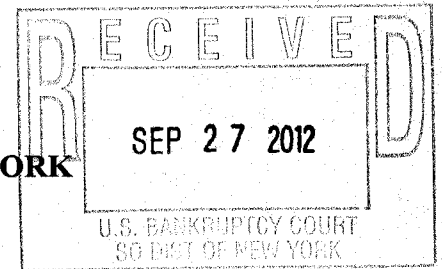
Enclosed please find the
following documents to be filed
in Bankruptcy case no. 12-bk-12020:

- (1) Notice of Filing proof of
Claim w/ Exhibits in support.
- (2) Proof of Claims (2)

Yvonne D. Lewis



**IN THE U.S. BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**
(at Manhattan)



In Re: Residential Capital, LLC., et al., And,
In Re: GMAC, Mortgage Co., et al,
Debtors

UNITED STATES of America, Ex Rel.,
Yvonne D. Lewis, et al.,
Plaintiffs/ Surplus Creditors

Vs.

GMAC, Mortgage Co., et al,
Defendants/ Bankrupt Debtors,

) Case No. 12-bk-12020 (MG)
) Chapter (Ch.11, Joint Admin.)
) (Related BR Case No.07-bk-57237, S.D., OHIO)
) (Related BR Case No. 12-bk-12032, S.D., N.Y.)
) JUDGE: GLENN, MARTIN
)
) Adversary Case No.: 1:12-av-1731
) (Related Case Nos. 1:12-12020, 1:12-12032;
) 05-CV-7346 (03-CV-7478); 03-CV-10836;
) 05-CV-4555; 03-CV-474; 03-CV-6954)
) (11-AP-875,COA10th Dist., OHIO),
) (10-AP-110, COA10th Dist., OHIO)
)
) **NOTICE OF FILING OF PROOF OF CLAIM**

UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF OHIO;
(at Columbus)

[18 USC §§ 2, 245(b)(2)(B), 371, 664, 666, 1001, 1505, 1962][29 USC §§ 1131, 1132(h), 1140]
[26 USC §§ 101(h), 267(b)(1)][42 USC §§ 1441, 2000d, 3535, 4621(c)(4), 4651(3),7407(d)(1)(C)(i)]

In Re: SIDNEY T. LEWIS, pro se,
Debtor
Social Security No.: xxx-xx-5959

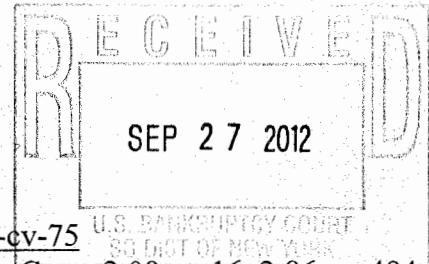
) Case No. 2:07-bk-57237
) (Ch.7)
) (Related BR Case No. 2:05-bk-75111, S.D., OH.)
) (Related DR Case No. 2:96-cv-494, S.D., OH.)
) JUDGE: HOFFMAN, JOHN, Jr.

In Re: Yvonne D. Lewis,
Debtor
Social Security No.: xxx-xx-2390

) Case No. 2:05-bk-75111
) (Ch.7)
) (Related BR Case No. 2:07-bk-57237, S.D., OH.)
) (Related DR Case No. 2:96-cv-494, S.D., OH.)
) JUDGE: HOFFMAN, JOHN, Jr.

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO;**
(at Columbus)

[18 USC §§ 2, 371, 245(b)(2)(B), 664, 666, 1962][29 USC §§ 1131, 1132(h), 1140]
[26 USC §§ 101(f)(3)(A), 267(b)(1) & (c)(4)][42 U.S.C. §§ 1441, 3535(d), 4651(3), 7573)]



UNITED STATES of America, Ex Rel.,
Sidney T. Lewis, et al.,
Plaintiffs

Vs.

Larry McClatchey, Ch. 7 Trustee from
Kegler Brown Hill & Ritter, et al.,
And,
Larry McClatchey, Atty. for Ch. 7 Trustee,
from Kegler Brown Hill & Ritter, et al.,
Defendants.

)
) Action No. 2:08-cv-75
) (Related Dist. Ct. Cases 2:08-cv-16; 2:96-cv-494;
) 2:08-cv-1040, 2:08-cv-736, 2:09-cv-179);
) JUDGE: ALGENON L. MARBLEY
)
) Mag. Judge: MARK ABEL [RICO 2:96-cv-494]
) [Notice of Appeal re Bankruptcy Matter, Case
) No. 2:07-bk-57237, S.D., OH]
) Mag. Judge: MARK ABEL [RICO 2:96-cv-494]

UNITED STATES of America, Ex Rel.,
James Johnston, et al.,
Plaintiffs

Vs.

Sidney T. Lewis, et al.,
Defendants.

)
) Action No. 2:08-cv-736
) (Related Dist. Ct. Cases 2:08-cv-16; 2:96-cv-494;
) 08-cv-75, 08-cv-736, 09-cv-179; 2:08-cv-1040);
) JUDGE: GREGORY FROST
) Mag. Judge: MARK ABEL [RICO 2:96-cv-494]
) [Remvd. From Fr. Cnty., CPC case 08CVH-10168]

UNITED STATES of America, Ex Rel.,
Sidney T. Lewis, et al.,
Plaintiffs

Vs.

James Johnston, et al.,
Defendants.

)
) Action No. 2:08-cv-1040
) (Related Dist. Ct. Cases 2:08-cv-16; 2:96-cv-494;
) 08-cv-75, 08-cv-736, 09-cv-179; 2:08-cv-1042);
) JUDGE: HOLSCHUH
) Magistrate Judge: TERENCE P. KEMP
) [Original Action Civil Rights Complaint/RICO]

NOTICE OF FILING OF PROOF OF CLAIM BY CREDITORS SIDNEY LEWIS AND YVONNE LEWIS, F/K/A YVONNE MOORE; WITH STATEMENT OF FACTS AND EXHIBITS

NOTICE IS HEREBY GIVEN that on or about September 25, 2012 the Creditors Sidney Lewis and Yvonne Lewis, f/k/a Yvonne Moore, on behalf of themselves and on behalf of the United States of America, 12 USC §§ 1709, 1715z-19; 31 U.S.C.A. §§ 3729 to 3733; 18 USC §§ 2, 371, 1505, 1962; 42 USC §§ 1441, 2000d, 3535, 4621(c)(4), have filed their proof of claim for Debtors' false (loss mitigation) claims to collect "soft dollar credits" in furtherance of "Equity Skimming [Id. 1715z-19]" (Related Case Nos. 1:12-cv-361, 363, D.C.); and Debtors' "RICO Enterprise [Id. 1962]" associated

with “Equity Index Annuities [Id. 101(f)(3)(a)]” through “Trust Mills [Id. 1962]” (Originating Case Nos. 2:96-cv-494, 2:08-cv-75¹, S.D., OH) pursuant to Fed. R. Bankr. Proc., Rules 2018(a), 3004, 7023.1 and Rule 23.1 F.R.Civ.P. for the following creditor(s):

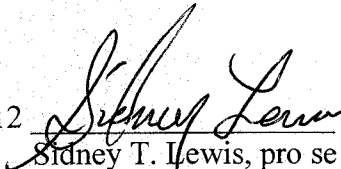
1. Creditors Yvonne Lewis, f/k/a Yvonne Moore, Lot 17 of the Argyle Park Subdivision; And, 820, 828, and 832 E. 5th Avenue, Columbus, Ohio.
2. Creditors Sidney Lewis, (e.g., Executor of Bettie Hamilton Probate Estate in BR Case No. 2:11-bk-60903, S.D., OH., Docket Sheet at 01/07/2012, “Chapter 7 Trustee's Report of No Distribution” entered 01/07/2012, Lot 11, Argyle Park Subdivision), Lots 11 and 17 of the Argyle Park Subdivision.

The deadline for filing claims is *November 9, 2012*, except that the deadline for filing claims by a governmental unit is *November 30, 2012*. (See: Doc 1309, pg. 2) If the deadline for filing claims has not expired, a claim filed by the Lewis creditor pursuant to Fed. R. Bankr. Proc. 3002(c) or 3003(c) shall supersede the proof of claim filed by the Rescap debtors under 1:12-cv-361 Consent Decree Orders and 2:96-cv-494 Consent Decree Orders for GMAC’s Liability for omissions in its 2006 defective affidavit (See: Exhibit 5 in support of POC, GMAC’s affidavit) under the GMAC Original Servicing Agreement dated as executed on Aug. 21, 2001 and fourth Addendum dated and effective Sept. 1, 2007. (See: Doc. 793-1, pgs. 58 and 86 of 111, at P.7.1, in BR Case No. 12-bk-12020, USBRC, S.D. NY, GMAC Original Servicing Agreement).

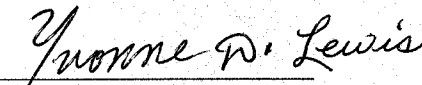
¹ (Compare: Doc. 86, date: 06/09/09, Page: 3 of 6, in case no 2:08-cv-75, USDC, S.D., OH; **Larry McClatchey**, “**DECEMBER 1, 2008**, this Court and Judge Frost issued a Related Case Memorandum that determined that Case Numbers 2:08-cv-75 and 2:08-cv-736 would remain with the judges to whom they were assigned (doc. no. 79)”; Compare With: case no. 1:12-cv-361, USDC, .DC.; for HUD related misconduct, “...the Administrator to provide cash payments to borrowers whose homes were finally sold or taken in foreclosure between and including January 1, 2008 and **DECEMBER 31, 2011;...**”; Compare To: Doc #: 9-1, Filed: 09/10/08, Pages: 32 to 36 of 44, case no. 2:08-cv-736 USDC, S.D., OHIO, judge Gregory Frost, “HUD-1 Settlement Sheet” and “Addendum to HUD-1 Settlement Statement, **Larry McClatchey**,”)

Respectfully Submitted,

Dated: Sept. 24, 2012


Sidney T. Lewis, pro se
1875 Alvason Avenue
Columbus, OH 43219

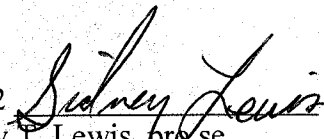
Dated: Sept. 24, 2012


Yvonne D. Lewis, pro se
1875 Alvason Avenue
Columbus, OH 43219

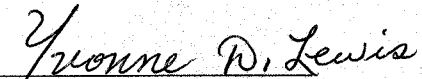
CERTIFICATE OF SERVICE

A copy of the foregoing: **NOTICE OF FILING OF PROOF OF CLAIM BY CREDITORS
SIDNEY LEWIS AND YVONNE LEWIS, F/K/A YVONNE MOORE; WITH STATEMENT OF
FACTS AND EXHIBITS** was served on Debtors counsels of record, and other parties to the instant
action, by hand delivery, electronic mail service, or by certified U.S. Mail Service, Postage Prepaid on
Sept. 24, 2012.

Dated: Sept. 24, 2012


Sidney T. Lewis, pro se

Dated: Sept. 24, 2012


Yvonne D. Lewis, pro se

**IN THE U.S. BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**
(at Manhattan)

In Re: Residential Capital, LLC., et al., And,) Case No. 12-bk-12020 (MG)
In Re: GMAC, Mortgage Co., et al,) Chapter (Ch.11, Joint Admin.)
Debtors) (Related BR Case 07-bk-57237, S.D., OHIO)
) (Related BR Case 12-bk-12032, S.D., N.Y.)
) JUDGE: GLENN, MARTIN
UNITED STATES of America, Ex Rel.,)
Yvonne D. Lewis, et al.,) Adversary Case No.: 1:12-av-1731
Plaintiffs/ Surplus Creditors) (Related Case Nos. 1:12-12020, 1:12-12032;
Vs.) 05-CV-7346 (03-CV-7478); 03-CV-10836;
) 05-CV-4555; 03-CV-474; 03-CV-6954)
GMAC, Mortgage Co., et al,) (11-AP-875, 10-AP-110, COA10th Dist., OH.),
Defendants/ Bankrupt Debtors,)
) **EXHIBITS TO SUPPORT STATEMENT**
) **OF FACTS FOR PROOF OF CLAIMS**

**UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO;**
(at Columbus)

[18 USC §§ 2, 245(b)(2)(B), 371, 664, 666, 1001, 1505, 1962][29 USC §§ 1131, 1132(h), 1140]
[26 USC §§ 101(h), 267(b)(1)][42 USC §§ 1441, 2000d, 3535, 4621(c)(4), 4651(3), 7407(d)(1)]

In Re: SIDNEY T. LEWIS, pro se,) Case No. 2:07-bk-57237
) (Ch.7)
Debtor) (Related BR Case No. 2:05-bk-75111, S.D., OH.)
) (Related DR Case No. 2:96-cv-494, S.D., OH.)
Social Security No.: xxx-xx-5959) JUDGE: HOFFMAN, JOHN, Jr.

In Re: Yvonne D. Lewis,) Case No. 2:05-bk-75111
) (Ch.7)
Debtor) (Related BR Case No. 2:07-bk-57237, S.D., OH.)
) (Related DR Case No. 2:96-cv-494, S.D., OH.)
Social Security No.: xxx-xx-2390) JUDGE: HOFFMAN, JOHN, Jr.

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO;**
(at Columbus)

[18 USC §§ 2, 371, 245(b)(2)(B), 664, 666, 1962][29 USC §§ 1131, 1132(h), 1140]
[26 USC §§ 101(f)(3)(A), 267(b)(1) & (c)(4)][42 U.S.C. §§ 1441, 3535(d), 4651(3), 7573)]

UNITED STATES of America, Ex Rel.,)
Sidney T. Lewis, et al.,) Action No. 2:08-cv-75
Plaintiffs) (Related Dist. Ct. Cases 2:08-cv-16; 2:96-cv-494;
Vs.) 2:08-cv-1040, 2:08-cv-736, 2:09-cv-179);
) JUDGE: ALGENON L. MARBLEY
Larry McClatchey, Ch. 7 Trustee from)
Kegler Brown Hill & Ritter, et al.,) Mag. Judge: MARK ABEL [RICO 2:96-cv-494]
And,) [Notice of Appeal re Bankruptcy Matter, Case
Larry McClatchey, Atty. for Ch. 7 Trustee,) No. 2:07-bk-57237, S.D., OH]
from Kegler Brown Hill & Ritter, et al.,) Mag. Judge: MARK ABEL [RICO 2:96-cv-494]
Defendants.)

UNITED STATES of America, Ex Rel.,)
James Johnston, et al.,) Action No. 2:08-cv-736
Plaintiffs) (Related Dist. Ct. Cases 2:08-cv-16; 2:96-cv-494;
Vs.) 08-cv-75, 08-cv-736, 09-cv-179; 2:08-cv-1040);
) JUDGE: GREGORY FROST
Sidney T. Lewis, et al.,) Mag. Judge: MARK ABEL [RICO 2:96-cv-494]
Defendants.) [Remvd. From Fr. Cnty., CPC case 08CVH-10168]

UNITED STATES of America, Ex Rel.,)
Sidney T. Lewis, et al.,) Action No. 2:08-cv-1040
Plaintiffs) (Related Dist. Ct. Cases 2:08-cv-16; 2:96-cv-494;
Vs.) 08-cv-75, 08-cv-736, 09-cv-179; 2:08-cv-1042);
) JUDGE: HOLSCHUH
James Johnston, et al.,) Magistrate Judge: TERENCE P. KEMP
Defendants.) [Original Action Civil Rights¹ Complaint/RICO²]

¹ ("Having forfeited his right to appeal these orders on the merits, Mr. Lewis is barred from collaterally attacking the same orders in this case." (See: Doc. 3, at pg. 4 of 6, Magistrate's REPORT AND RECOMMENDATION to Dismiss Case in case no. 2:08-cv-1040);

² SEE AND COMPARE: Docs. 7 & 9, Related Case Memo for 2:08-cv-75, Kegler-Brown et al. Defendants & OPINION AND ORDER ADOPTING REPORT AND RECOMMENDATION to Dismiss Case in case no. 2:08-cv-1040; COMPARE WITH: RICO Related Case no. 2:96-cv-494, Kegler-Brown et al. Defendants.)

EXHIBITS TO SUPPORT STATEMENT OF FACTS FOR PROOF OF CLAIMS

Exhibits

- 1 Sept. 30, 1975 - FHA Mortgage Deed/Dower (executed by Y. Moore a/k/a/ Y. Lewis).
- 2 **Sept. 11, 1987** - FAA, Record of Approval, 14 CFR part § 150, "Land Use Controls".
- 3 Sept. 2, 1992 - FAA Permanent Subdivision Avigation Easement (FAR, Part 150, for Lots 1-128, Argyle Park Subdivision "APS", Columbus, OH.) executed April 20, 1992 and recorded in County Records Office on Sept. 2, 1992; And, Vol. 57 FR 40242, Passenger Facility Charges "PFC's", Col., OH., (14 CFR part §158) dated Sept. 2, 1992.
- 4 **Sept. 11, 1996** - Merger of American Equity Investment Life Ins. Co. ("AEL", IOWA) with Century Insurance Co. (OH.), Foreign license from the OHIO Depart. of Ins. (ODI), to sell "Equity Index Annuities" as "Tax Exempt Policies" under 26 USC §§ 101(f)(3)(a), 267(b) (1) and (c)(4).
- 5 Jan. 27, 2006 - Affidavit of GMAC (creditor) In Support of Motion For Relief From Stay 11 USC § 362(d) in In Re: Yvonne Lewis, case no. 05-bk-75111, USBRC, S.D., Ohio.
- 6 Mar. 8, 2006 - Trustee's Abandonment of 1875 Alvason Ave. on request of GMAC (Creditor) in U.S. Bankruptcy Court for S.D. of Ohio in case no. 05-bk-75111.
- 6.1 Dec. 1, 2008 - Related Cases Memo, Doc. 14, Removal & BR appeal matters (in In Re: Sidney T. Lewis, case no. 07-bk-57237, USBRC, S.D., Ohio) in case no 2:08-cv-736.
- 7 Dec. 16, 2010 - Garretson Resolution Group's (Admin. of Panter C/A, 01-CI-02109, Jeff. Cnty., KY.) Response to Lewis' Subpoena Duces Tecum served on **Dec. 9, 2010**.

- 8 Jan. 13, 2011 - Mike DeWine, Ohio's current AG, responds to the Lewis's Complaint under Ohio Consumer Protection Act, for AEL's Defective Notice of 2001-2005 Strube/Malone/Panter C/A for Unlawful Living Trust and Equity Index Annuities sales and response of Garretson to Subpoena Duces Tecum served on **Dec. 9, 2010**.
- 9 Oct. 26, 2011 - First Letter to Eric LaFayette, Esq. (Lewis claimants' attorney) from CHARLES F. SMITH, Atty., of the lawfirm of **Skadden, Arps, Slate, Meagher & Flom, LLP**, on behalf of "AEL" (collectively, "American Equity") in Fr. Cnty. Ohio CPC case no. 11-CV-12667 filed Jan. 9, 2012.
- 10 Dec. 23, 2011 - Second Letter to Eric LaFayette, Esq. from Skadden...[sic.] & Flom, LLP, by MARCELLA L. LAPE, on behalf of "AEL" in Fr. Cnty., CPC case no. 11-CV-12667.
- 11 Jan. 9, 2012 - Agreed Motion and Stipulation To Extend American Equity Answer Period in CPC case 11-CV-12667, referencing a dismissal demand by "AEL" on **Dec. 30, 2011**.
- 12 April 4, 2012 - Consent Judgment executed for the *Jan. 1, 2008 to Dec. 31, 2011*, Class Period in related case no. 12-cv-361, USDC, Dist. of Columbia, entered April 5, 2012.
- 13 Sept. 14, 2012 - Declaration of Bridget M. Lee, for impacted HUD/FHA mortgages by FAA in related case FoE vs. U.S. EPA, no. 12-cv-363, USDC, D.C. filed Sept. 14, 2012.